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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION  
10

11 UNITED STATES OF AMERICA,	)	No. CR 11-00616 EJD
	)	
12 Plaintiff,	)	STIPULATION AND [ <del>PROPOSED</del> ]
	)	ORDER CONTINUING HEARING TO
13 vs.	)	APRIL 2, 2012, AND EXCLUDING TIME
	)	UNDER THE SPEEDY TRIAL ACT
14 FRANK ANDRADE HERRERA,	)	
	)	
15 Defendant.	)	
_____	)	

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18 **STIPULATION**

19 The parties, Frank Andrade Herrera, and the government, acting through their respective  
20 counsel, hereby stipulate, subject to the Court's approval, that the status date currently set for  
21 March 19, 2012, be vacated and continued to April 2, 2012, at 1:30 p.m for a change of plea  
22 pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and possible immediate sentencing.

23 The reason for the requested continuance is, since the last status hearing held in this  
24 matter, the defense has conducted and completed the evidence view the parties previously  
25 advised the court was scheduled to occur. However, defense counsel respectfully requests a  
26 short continuance to conduct further investigation and to discuss the terms of a proposed

disposition with Mr. Herrera. The defense therefore respectfully requests a further continuance and exclusion of time based on defense counsel's need to effectively prepare.

Accordingly, the parties agree and stipulate that time should be excluded from March 19, 2012, through and including April 2, 2012, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation. Mr. Herrera, and the government further agree that granting the requested exclusion of time will serve the interest of justice and the ends of justice outweigh the interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: March 16, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
VARELL L. FULLER  
Assistant Federal Public Defender

Dated: March 16, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
THOMAS M. O'CONNELL  
Assistant United States Attorney

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**[Proposed] ORDER**

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the status hearing currently set for March 19, 2012, shall be continued to April 2, 2012, at 1:30 p.m.


THE COURT FINDS that failing to exclude the time between March 19, 2012, and April 2, 2012, would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

1 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
2 between March 19, 2012, and April 2, 2012, from computation under the Speedy Trial Act  
3 outweigh the interests of the public and the defendant in a speedy trial.

4 THEREFORE, IT IS HEREBY ORDERED that the time between March 19, 2012, and  
5 April 2, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
6 3161(h)(7)(A) and (B)(iv).

7 IT IS SO ORDERED.

8  
9 Dated: March 16, 2012

  
THE HONORABLE EDWARD J. DAVILA  
United States District Court Judge